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Alberta
ENVIRONMENT

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Oct 2005 - 31 Dec 2005

January 2006
Regional Services
Alberta Environment

Alberta
ENVIRONMENT

Enforcement Actions

1 Oct 2005 - 31 Dec 2005

Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Administrative Penalties				
Sturgeon Valley Fertilizers Ltd.	Sturgeon County SW-3-55-25-W4	06-Oct-05 Assessed: $3,500.00	AEPEA(R) 43/97 18 24/97 20(2)(a)	The Company operates a commercial pesticide sales and application service business. At it's retail outlet, it sold a Schedule 2 pesticide (Par III) to an ineligible purchaser; and failed to keep complete retail vendor records for the sale of each Schedule 1 or 2 pesticide, in particular if failed to record applicator certificate numbers or legal land locations of eligible purchasers. Paid 25 October 2005.
ConocoPhillips Canada Limited	County of Stettler 23-35-20-W4	17-Oct-05 Assessed: $3,000.00	WA 36(1) 142(1)(h)	The Company commenced and continued ground removal and disturbance in the bed and shore of Big Valley Creek without an approval. Paid 21 October 2005.
TransCanada Energy Ltd.	Wheatland County NE-6-22-26-W4	27-Oct-05 Assessed: $3,500.00	AEPEA(R) 227(e)	The Company operates the Carseland thermal electric power plant pursuant to an Approval. It contravened its Approval by submitting the RATA Reports conducted on September 16-17, 2003 late; submitting the RATA Reports conducted on April 20, 22 and 23, 2004 late; submitting the Manual Stack/RATA Reports conducted on November 8-10, 2004 late; submitting the Manual Stack Survey Report conducted on June 17-19, 2003 and September 16-17, 2003 late; and failing to immediately report a contravention of the Approval to Alberta Environment. Paid 18 November 2005.
Manning, Town of	Manning Plan 2466HW, Block 20, Lot 6 & 7	24-Nov-05 Assessed: $9,000.00	AEPEA(R) 227(e)	The Town operates a Class III Water Treatment Plant and a Class I Water Distribution System pursuant to an Approval. It contravened its Approval by failing to immediately report by telephone a contravention of a term or condition of the Approval; failing to take corrective action in consultation with the Regional Engineer when the treated water turbidity at the laboratory sink exceeds 1.0 NTU; and failing to operate the waterworks system to comply with the limits specified in Table 5-1, being the exceedence of the turbidity limit for treated water prior to entering the treated water reservoir. Paid 19 December 2005.
Barakat Industries Ltd.	Parkland County 36-50-4-W5	13-Dec-05 Assessed: $5,500.00	AEPEA(R) 227(e)	The Company has a lease agreement with the approval holder to operate the MacDougall Sand & Gravel Pit as an agent. It contravened the Approval by releasing industrial wastewater that produced a visible sheen at the release point.

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Enforcement Actions

1 Oct 2005 - 31 Dec 2005

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Administrative Penalties				
				and failing to immediately report to Alberta Environment. Paid 16 January 2006.
United Farmers of Alberta Co-operative Limited	Wheatland County SE-14-24-26-W4	15-Dec-05 Assessed: $2,500.00	AEPEA(R) 24/97 29(1)(c)	The Co-operative disposed of Lindane treated canola seed other than in accordance with the Waste Control Regulation or without authorization of the Director. Paid 23 December 2005.

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Enforcement Actions

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Enforcement Orders				
Henrickson, Lorne and Henrickson, Sherry	MD of Foothills NE-27-20-2-W5	14-Oct-05	WA 36(1)	Sherry Henrickson is the registered owner of the lands. A large gravel berm had been constructed along the east bank of the Sheep River, extensive gravel excavation and construction also occurred between the gravel berm and the natural bank, and a track hoe being driven by a contractor hired by Lorne Henrickson was in the process of building a concrete block retaining wall. The parties shall immediately cease all activities on or in connection with the works; remove all concrete blocks that are located in Sheep River, on the bank of Sheep River or on the gravel berm; submit and implement a Remedial Plan; and submit a Final Report.

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Enforcement Actions

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Amended Enforcement Orders				
Henrickson, Lorne and Henrickson, Sherry	MD of Foothills NE-27-20-2-W5	17-Oct-05	WA 36(1)	First Amendment: Amending Enforcement Order WA-EO-2005/05-SR by replacing clause 2 and adding item "e" to Clause 6; and replacing Clause 7.
Henrickson, Lorne and Henrickson, Sherry	MD of Foothills NE-27-20-2-W5	23-Dec-05	WA 36(1)	Second Amendment: Amending clause 5 of Enforcement Order WA-EO-2005/05-SR to extend the deadline for the submission of the Remedial Plan.

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Enforcement Orders for Waste

No Activity

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Environmental Protection Orders				
No Activity				

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Enforcement Actions

1 Oct 2005 - 31 Dec 2005

Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Prosecutions				
AAA Petroleum Contracting Limited		13-Oct-05 Penalty: $25,000.00	AEPEA(R) 176	Count 2: Co-accused "Smith, Gary Albert, Giles, Wayne Martin, Shelton, Edward Arnold" On or about the 11th day of May, 2002, at or near the City of Calgary in the Province of Alberta, did dispose of waste, to wit: used oil, otherwise than at a waste management facility, or in a container the contents of which will be taken to a waste management facility, and without the written authorization of the Director, and did thereby commit an offence contrary to section 176 of the Environmental Protection and Enhancement Act, RSA 2000, Chapter E-12. The Company pled guilty on 2 May 2005. On 13 October 2005 the Company was sentenced to a fine of $10,000.00 and a $15,000.00 creative sentencing order for a Nose Creek Endowment Fund to be established by SAIT Polytechnic. Fine paid 26 October 2005.
Terravest Industries Inc.		19-Oct-05 Penalty: $20,000.00	AEPEA(R) 176	Count 2: Co-accused "R.J.V. Gas Field Services Ltd., Laniuk Industries Ltd., and Laniuk, Dale" On or about the 12th day of January, 2004, at or near Vegreville, in the Province of Alberta, did unlawfully dispose of waste other than at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of an appropriate approval, registration or notice required under the Environmental Protection and Enhancement Act or in accordance with the written authorization of the Director, contrary to section 176 of the Environmental Protection and Enhancement Act. Pled guilty 6 September 2005. On 19 October, 2005, the Company was sentenced to a fine of $5,000 and a $15,000.00 creative sentencing order in favor of the Vegreville Volunteer Fire Department. Fine paid 20 October 2005.
J.C. Inspections & Associates Ltd.		25-Oct-05 Penalty: $7,500.00	AEPEA(R) 109(2)	Count 1: On or about the 1st day of April, 2003 at or near Lloydminster, in the Province of Alberta, did unlawfully release or permit the release into the environment of asubstance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, contrary to section 109(2) of the Environmental Protection and Enhancement Act. Pled guilty 18 October 2005. Sentenced to a fine of $7,500 on 25 October 2005. Paid 3 January 2006.

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Prosecutions				
Norm's Tank Rentals Ltd.		04-Nov-05 Penalty: $50,000.00	AEPEA(R) 110(1)	Count 2: On or between the 19th day of September, 2003 and the 8th day of October, 2003, at or near Grande Prairie, in the Province of Alberta, being a person who releases or causes or permits the release of a substance into the environment that may cause, is causing, or has caused an adverse effect, did fail, as soon as that person knew or ought to have known of the release, to report it to the Director, contrary to Section 110(1) of the Environmental Protection and Enhancement Act. Pled guilty 4 November 2005. Sentenced to a fine of $10,000 and a creative sentencing order in the amount of $40,000 to be used towards a multi-media campaign for Northern Alberta to explain the importance of reporting spills.
Hutterian Brethren Church of Ferrybank	Ponoka County SE-10-44-27-W4	22-Nov-05 Penalty: $21,000.00	AEPEA(R) 176	Count 1: Co-accused "Gross, Tom" On or about the 10th day of October, 2003 at or near Ponoka, in the Province of Alberta, did dispose of waste other than at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of the appropriate approval, registration or notice required under this Act, or in accordance with the written authorization of the Director, and did thereby commit an offence contrary to Section 176 of the Environmental Protection and Enhancement Act. Pled guilty 22 November 2005. Sentenced to a fine of $21,000.
J. Kuhn Enterprises Ltd.	County of Newell 23-20-16-W4	28-Nov-05 Penalty: $5,000.00	AEPEA(R) 24/97 5(1)	Count 2: Co-accused: "John Kuhn and John Kuhn operating as J Kuhn Enterprizes" On or about the 19th day of June, 2003, at or near Rosemary in the Province of Alberta, did use or apply a pesticide in a manner or at a time or place that causes or is likely to cause an adverse effect and did thereby commit an offence contrary to Section 5(1) of the Pesticide Sales, Handling, Use, and Application Regulation, A.R. 24/97. Pled guilty 28 November 2005. Sentenced to a fine of $5,000.00.
Mountain View Regional Water Services Commission		01-Dec-05 Penalty: $100,000.00	AEPEA(R) 176	Count 2: Co-accused "Vandenakerboom, Joe" On or about the 6th day of April 2002 at or near Innisfail, in the Province of Alberta did unlawfully dispose of waste other than at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of the

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
		Prosecutions		
				appropriate approval, registration or notice required under this Act, or in accordance with the written authorization of the Director, contrary to section 176 of the Environmental Protection and Enhancement Act. Pled guilty 1 December 2005. Sentenced to a fine of $1,000 and a creative sentencing order in the amount of $99,000 to have the Anthony Henday Water Treatment Plant certified under ISO/CD 14001 Environmental Management System's specifications.
Hillsight Vegetables Inc.		16-Dec-05 Penalty: $99,960.25	FFA 36(3)	Count 2: Co-accused "Fousert, Hendrik and Fousert, Henry John" On or between the 16th day of November 2002 and the 26th day of November, 2002, both dates inclusive, at or near Peers in the Province of Alberta, did unlawfully deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water, contrary to section 36 (3) of the Fisheries Act. Pled guilty 16 December 2005. The Company was sentenced to a global penalty consisting of a fine of $10,000.00 and a creative sentencing order in the amount of $89,960.26. The creative sentencing order is to provide turnips to the Edmonton Gleaners Association operating under the name of the Edmonton Food Bank to distribute turnips to needy persons in the City of Edmonton and for distribution to other food banks in Northern Alberta.
Hillsight Vegetables Inc.		16-Dec-05	WA 36(1)	Count 3: Co-accused "Fousert, Hendrik and Fousert, Henry John" On or between the 16th day of November 2002 and the 26th day of November, 2002, both dates inclusive, at or near Peers in the Province of Alberta, did unlawfully commence or continue an activity other than pursuant to an approval and without being otherwise authorized under the Water Act, contrary to section 36 (1) of the Water Act. Pled guilty 16 December 2005. See count 2 for global sentence details.

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Tickets				
Clayton Industries Incorporated		09-Nov-05 Penalty: $115.00	AEPEA(R) 178	Improper disposal of waste on public land. Paid 9 November 2005.

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Warning Letters				
Newalta Corporation	Edmonton Plan 4569TR, Block 1, Lot 2	04-Oct-05	AEPEA(R) 227(e)	The Company operates the Edmonton storage and processing facility pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emission Summary Report late; submitting the 2004 Annual Industrial Runoff Report late; and failing to immediately report by telephone any contravention of the terms and conditions of the Approval.
Tolko Industries Ltd.	MD Lesser Slave River SW-32-72-4-W5 NW-29-72-4-W5	04-Oct-05	AEPEA(R) 227(e)	The Company operates the Slave Lake wood processing plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Summary and Evaluation Report late; submitting the 2004 Annual Waste Management Summary late; and failing to immediately report by telephone any contravention of the terms and conditions of the approval.
Daylight Energy Ltd.	West Baptiste 19-66-24-W4	18-Oct-05	AEPEA(R) 227(e)	The Company operates the Athabasca (Steele) sour gas plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Industrial Wastewater and Runoff Report late; submitting the February 2005 monthly air emission summary report late; and failing to immediately report by telephone any contravention of the terms and conditions of the Approval.
Suncor Energy Inc.	MD of Wood Buffalo 93-5-W4	18-Oct-05	AEPEA(R) 227(e)	The Company operates the Firebag Enhanced Recovery In-situ Oil Sands facility pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emission Summary and Evaluation Report late; and failing to immediately report by telephone any contravention of the terms and conditions of the Approval.
Golfscape Construction Ltd.	MD of Foothills SW-14-21-3-W5	19-Oct-05	WA 36(1)	There was an alteration of a watercourse, without an approval, during a tree removal project for a power line installation.
Jubilee Engineering Consultants Ltd.	MD of Foothills SW-14-21-3-W5	19-Oct-05	WA 36(1)	There was an alteration of a watercourse, without an approval, during a tree removal project for a power line installation.

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Warning Letters				
Millarville Estates Ltd.	MD of Foothills SW-14-21-3-W5	19-Oct-05	WA 36(1)	There was an alteration of a watercourse, without an approval, during a tree removal project for a power line installation.
Sequoia Oil & Gas Ltd.	Yellowhead County 9-52-21-W5	27-Oct-05	AEPEA(R) 227(e)	The Company operates the Medicine Lodge sour gas plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Industrial Wastewater and Runoff Report late; submitting the 2004 Annual Summary & Evaluation Report late; and failing to immediately report by telephone any contravention of the terms and conditions of the approval.
Thunder Energy Inc.	County of Camrose 16-44-18-W4	27-Oct-05	AEPEA(R) 227(e)	The Company operates the Rosalind sour gas plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emission Summary & Evaluation Report late; submitting the June 2005 and July 2005 monthly air emission summary reports late; and failing to immediately report by telephone any contravention of the terms and conditions of the approval.
Hydro-Tech Limited	Edmonton Plan 8121694, Block 5, Lot 7	07-Nov-05	AEPEA(R) 110	The Company failed to report the release of gaseous Aluminum Chloride Solution (ACS) into the environment as soon as becoming aware of the release.
Sturgeon County	Sturgeon County 6-57-20-W4	07-Nov-05	WA 49(1)	The County diverted water without a licence.
Hutterian Brethren Of Milford	County of Warner 13-5-21-W4	14-Nov-05	AEPEA(R) 110(1)	The Hutterian Brethren of Milford failed to immediately notify Alberta Environment of a release of liquid manure from the storage lagoon to the main canal supplying Ridge Reservoir.
Kowal, Ernie	Mundare S-19-53-16-W4 NE-18-53-16-W4	21-Nov-05	WA 36(1)	Mr. Kowal conducted activities within the SVIT Drainage Channel, which included filling in the channel with materials used to construct fairways 12 and 13 and excavating the channel to create a larger water feature between these two fairways without an approval.

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Warning Letters				
Whitetail Crossing Inc.	Mundare S-19-53-16-W4 NE-18-53-16-W4	21-Nov-05	WA 36(1)	The Company conducted activities within the SVIT Drainage Channel, which included filling in the channel with materials used to construct fairways 12 and 13 and excavating the channel to create a larger water feature between these two fairways without an approval.
Canadian Hydro Developers, Inc.	MD of Pincher Creek 23-4-29-W4	22-Nov-05	AEPEA(R) 227(e)	The Company operates the Drywood thermal electric power plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emissions Summary Report late; submitting the 2004 Annual Waste Management Summary Report late; and failing to immediately report by telephone the contraventions of these terms and conditions of the Approval.
Bar Kay Cee Club	MD of Foothills NE-36-22-5-W5	28-Nov-05	WA 36(1)	The Club made improvements of the existing works without an approval.
Schacher, Bryce	Mountain View County Plan 577LK, Block A, Lot 1	13-Dec-05	WA 36(1)	Mr. Schacher conducted an activity on Little Red Deer River, in particular the removal of gravel from the riverbed to construct a berm on the riverbank, without an approval.
Cardston County	Cardston County SW-32-4-23-W4	15-Dec-05	AEPEA(R) 227(e)	The County operates the Spring Coulee Water Treatment plant pursuant to a Registration. It failed to monitor potable water for total chlorine at random locations in the distribution system five days per week from 1 October 2004 to 11 May 2005; failed to take the four per month total chlorine and bacteriological samples at the same location and time in the water distribution system from 1 October 2004 to 11 May 2004.; failed to conduct the once yearly inorganic chemical and physical analysis of the water after treatment for 2004; failed to sample and analyze for trihalomethanes once every three months from 1 October 2004 to 11 May 2005; failed to calculate the daily dosages of each treatment chemical (chlorine and potassium permanganate) added to the waterworks system from 1 October 2004 to 11 May 2005; failed to include in the monthly reports the locations of bacteriological samples taken and the name and manufacturer of all treatment chemicals added during October, November,

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Warning Letters				
				December of 2004 and January, February, March, April and May of 2005; submitted the 2004 annual report late; failed to record in the 2004 annual report, the maximum and minimum values for all required parameters from 1 January to 30 September 2004; failed to immediately report each of the contraventions to the Director; and failed to provide a written report for each of the contraventions within seven days.
Esprit Exploration Ltd.	Mountain View County SW-18-32-1-W5	16-Dec-05	AEPEA(R) 227(e)	The Company operates the Olds gas plant pursuant to an Approval. It contravened its Approval when the SO2 emissions exceeded the Approval limits.
Syncrude Canada Ltd.	MD of Wood Buffalo 93-10-W4	16-Dec-05	AEPEA(R) 110(1)	The Company operates the Mildred Lake Oil Sands processing plant and mine. It reported the release of H2S and NH3 late.
Terroco Industries Ltd.	Medicine Hat Plan 0410555, Block 6, Lot 3	22-Dec-05	AEPEA(R) 110(2)	The Company failed to report the release of a substance, Methanol, that may cause an adverse effect, immediately upon becoming aware of the release.
Hutterian Brethren Church of Whitelake Colony	MD of Willow Creek 22-10-25-W4 27-10-25-W4 28-10-25-W4	23-Dec-05	WA 142(1)(e) 36(1)	The Colony contravened its licence when it, without the required authorization, added tile drainage not identified on the approved plans; pumped water from the tile drainage system into the Lethbridge Northern Irrigation District's canal, prior to having an analysis confirmed that the pumped water met irrigation standards; discharged water from the tile drainage system, other than to the Northern Irrigation District's canal; and dug drainage channels, drained, and diverted surface water across land.

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1 Oct 2005 - 31 Dec 2005

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Water Management Orders				
No Activity				